

# Civil Rights Consortium

November 5, 2024

**BY ECF**

Hon. Arun Subramanian, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 15A  
New York, New York 10007

**RE: DOE, Doctor vs. Icahn School of Medicine at Mt. Sinai,  
Civil Docket No. 24-07688(AS)**

Dear Judge Subramanian,

Please accept this letter application for reconsideration in lieu of a more formal motion, writing in furtherance of the Court's order of October 29, 2024. The Plaintiff's basis for reconsideration is driven by (1) the litigation involves matters that are highly sensitive, (2) identification poses a risk of retaliatory harm to innocent non-parties, (3) the suit involves secret actions of the United States, (4) in furtherance of (1) and (3) the parties have thus far kept confidential, (5) because of some of the purely legal matters of the litigation, there is an atypically weak public interest in knowing the Plaintiff's identities, and (6) there are no identical alternative mechanisms, as not only is it the case that in addition to allowing the Plaintiff to proceed under a pseudonym, litigation must proceed under seal.

On November 6, 2024, Mr. Doe will submit, under seal, to the Court an affidavit disclosing his identity to the Court. That affidavit will reveal specific details of whistleblowing information, along with an attached supplemental submission, detailing that Mr. Doe's claims and the underlying grant work, are heavily regulated by federal laws and rules of the National Institutes of Health ("NIH"), pursuant to an extensive regulations of confidentiality regulated by the United States and the NIH. (e.g., 42 U.S.C. § 241(d) or 3014-107 *Privacy and Confidentiality* regulations of the NIH).

Respectfully Submitted,



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**BY EMAIL & U.S. POSTAL MAIL**

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The motion for reconsideration is DENIED. In its prior order, the Court specifically directed the plaintiff to 1) analyze the *Sealed Plaintiff* factors in detail and 2) provide the Court with cases where similarly situated plaintiffs were permitted to proceed under a pseudonym. *See* Dkt. 16. Plaintiff's letter has done neither. Defendants' letter provides further reasons casting doubt on whether plaintiff should be allowed to proceed under a pseudonym. For these reasons, the Court sees no reason to disturb its prior order denying plaintiff leave to proceed anonymously.

The Clerk of Court is requested to terminate the motion at Dkt. 17.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Dated: November 13, 2024